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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ELMER GAIBI
1030 S.W. MORRISON ST
PORTLAND, OR 97025

EXAMINER

NAKHJAVAN, SHERVIN K

ART UNIT PAPER NUMBER

2621

DATE MAILED: 02/13/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,671

Applicant(s)

DAVIDSON ET AL.

Examiner

Shervin Nakhjavan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8, 12-14 and 24-26 is/are allowed.
- 6) ☒ Claim(s) 1 and 22 is/are rejected.
- 7) ☒ Claim(s) 9-11, 15-21 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3.
- ☐ Interview Summary (PTO-413) Paper No(s) ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 5D is not included in the brief description of the drawings. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 9-11, 15-21 and 23 are objected to under 37 CFR 1.75 (a) as failing to particularly point and distinctly claim the subject matter which the applicant regards as his invention. The reasons are: The phrase "reverse an changes" in claims 9, 15 and 18, Lines 5, 7 and 6, respectively, is ungrammatical and should be changed to --reverse any changes--.

Claims 10, 11, 16, 17, 19-21 and 23 variously depend from an objected base claim and are thus themselves objected.

Claim Rejections – 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Sowell et al. (US 6,011,857).

Regarding claim 1, Sowell teaches, a process and system for improving watermark detection by compensating for artifacts introduced by the printer and/or scanner which the image has passed prior to detecting a watermark in said image (Column 8, Lines 42-55, wherein upon high resolution scanning of the pictures, the deskewing and artifact removal is performed on the scanned image or scanned image of a printed picture and finally the copy-protection algorithm is run on the scanned image to detect protection pattern or a watermark for printing purposes).

5. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Crean et al. (US 6,144,461).

Regarding claim 22, Crean teaches, a method of acquiring a digital image from a physical document (Column 4, Lines 40-50, where an image data that is supplied to DEF 40 is generated by scanner 32 of the figure 2 which is an image of a physical document as discussed in Column 4, Lines 33-35), scanning said image with a scanner to produce a digital image (Column 4, Lines 49-51), said scanner introducing aliasing frequencies into said digital image (Column 4, Lines 55-60, where aliasing is introduced into the image after scanning and when it reaches the processor 40), filtering said

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image to eliminate said aliasing frequencies to produce a corrected digital image
(Column 5, Lines 15-19, where the image data is filtered for elimination of aliasing).

Allowable Subject Matter

6. The following is an examiner's statement of reasons for allowance: claims 2-8, 12-14 and 24-26 are allowed because, the prior art or the prior art of record does not teach improving of watermark detection by applying different compensation to an image in the X and Y directions to eliminate anomalies introduced by a printer or scanner which differ in the X and Y direction of claim 2, to reverse an action on an image of the user modifications to said calibrated tone map of claims 3, 4, 12 and 25, applying a tone map to said user desired image which is the inverse of the changes made to said calibrated tone map to generate said user desired tone map of claim 5, filtering a first digital image by compensating for frequency response of the scanner the generated the digital image wherein the scanner's frequency response decreases at higher frequency values of claim 24, .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Other prior art cited

7. Prior art of record cited and not relied upon is considered pertinent to applicant's disclosure.

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The US Patent 6,608,701; US Patent 20010030769; US Patent 6,286,761; US Patent 5,798,846; US Patent 5,608,538; US Patent 5,555,360 and US Patent 5,239,390 variously teach scanning with noise or aliasing or artifact compensation techniques related to applicant's invention as claimed.

Contact information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shervin Nakhjavan whose telephone number is (703) 306-5916. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached at (703) 305-4706.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, DC 20231

Or faxed to:

(703) 872-9306 for *formal* communications, please mark "**EXPEDITED PROCEDURE**"

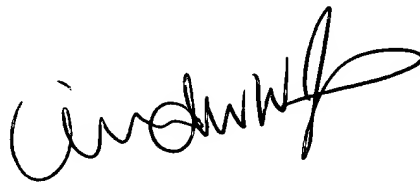
or:

for *informal* or *draft* communications; please label "**PROPOSED**" or "**DRAFT**".

Hand delivered responses should be brought to Crystal Park 2, 2121 Crystal drive, Arlington, VA, sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Tech center 2700 customer service office **(703) 306-0377**.

Shervin Nakhjavan
Patent Examiner
Group Art Unit 2621
February 5, 2004.



ANDREW W. JOHNS
PRIMARY EXAMINER